

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:21-cv-63-KDB-DCK**

PAMELA MARTIN ISENHOUR,

Plaintiff,

vs.

SALMON COMPANY,

Defendant.

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ORDER

THIS MATTER is before the Court on Plaintiff's Second Amended Application to Proceed in District Court Without Prepaying Fees or Costs. (Doc. No. 8).

Plaintiff, proceeding *pro se*, filed this action against the Salmon Company on April 14, 2021. (Doc. No. 1). Plaintiff filed an Application to proceed *in forma pauperis*. (Doc. No. 2). On April 20, 2021, the Court denied Plaintiff's Application without prejudice and ordered Plaintiff to pay the filing fee or amend her Application within 14 days. (Doc. No. 3). Plaintiff filed an Amended Application on May 3, 2021. (Doc. No. 5). On May 5, 2021, Plaintiff's Amended Application was denied without prejudice to pay the \$402 filing fee within 14 days. (Doc. No. 6). Plaintiff failed to comply. On June 7, 2021, the Court again ordered Plaintiff to pay the \$402 filing fee within 14 days. (Doc. No. 7). The Court cautioned Plaintiff that, if she failed to do so, "this case shall be dismissed without prejudice and closed without further notice to the Plaintiff." (*Id.* at 1).

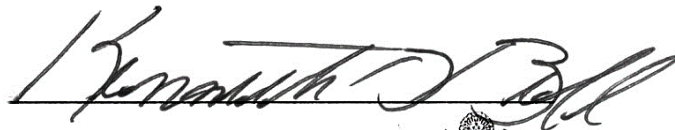
The time to pay the filing fee expired on June 21, 2021. Plaintiff has not paid the \$402 filing fee to date. Instead, on June 25, 2021, she filed the instant Second Amended Application to proceed *in forma pauperis*.

The present Application was filed late and fails to comply with the Court's June 7, 2021 Order to pay the \$402 filing fee.¹ Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiffs' failure to comply with the Court's June 7, 2021 Order.
2. The Clerk of this Court is directed to close this case.

Signed: June 26, 2021



Kenneth D. Bell
United States District Judge



¹ The Court notes that the Second Amended Application fails to demonstrate, yet again, that Plaintiff is unable to pay the filing fee.